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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,819	07/28/2003	Walter L. Raines	Raines-003	5872
26604	7590	12/29/2005		
KENNETH L. NASH P.O. BOX 680106 HOUSTON, TX 77268-0106			EXAMINER HAMILTON, LALITA M	
			ART UNIT	PAPER NUMBER
			3624	
DATE MAILED: 12/29/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/628,819	Applicant(s) RAINES, WALTER L.	
	Examiner Lalita M. Hamilton	Art Unit 3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 15-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 15-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Summary

On July 6, 2005, an Office Action was mailed to the Applicant rejecting claims 1-21. On October 5, 2005, the Applicant responded by canceling claims 13-14 and amending claims 1, 3, 5-6, 16, and 18-19.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 5, 16, 18 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Ballard (6,032,137), as set forth in the previous Office Action.

With regard to the amendment, Ballard discloses each of the plurality of receipts comprising machine-readable data and separately located human-readable text, said machine readable data comprises at least a credit card number, an amount of purchase, and a date of purchase, said human-readable text comprises at least said amount of purchase and said date of purchase (fig.3b and col.5, line 64 to col.6, line 28—dataglyph represents large amounts of info, including information on the receipt).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 2-4, 6-12, 15, 17, and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ballard in view of Cruse (2002/0010659), as set forth in the previous Office Action.

With regard to the amendment, Ballard discloses optically scanning and said reading to product said recognized machine readable data occur at the same location (col.5, line 50 to col.6, line 12---process occurs in the machine, which can be interpreted as the same location) and recognized machine readable data that does not comprise said human readable textual after being recognized (col.5, line 50 to col.6, line 12—data stored in system in code does not comprise human readable textual). Cruse teaches the use of many types of scanners, which may include OCR (p.5, 61). It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate OCR, as can be interpreted by Cruse into the invention disclosed by Ballard, as an alternative type of scanner.

Response to Arguments

Applicant's arguments filed October 5, 2005 have been fully considered but they are not persuasive.

Argument: Ballard does not disclose machine readable data and separately positioned human readable text on the same paper receipt wherein the machine readable data comprises credit card number, an amount of purchase, and a date of purchase, and the human readable text comprises the amount of purchase and the date of purchase.

Response: Ballard discloses machine readable data and separately positioned human readable text on the same paper receipt wherein the machine readable data comprises credit card number, an amount of purchase, and a date of purchase, and the human readable text comprises the amount of purchase and the date of purchase (fig.3b and col.5, line 64 to col.6, line 28—dataglyph represents large amounts of info, including information on the receipt, which includes credit card number, an amount of purchase, and a date of purchase).

Argument: Cruse does not teach credit card information or a purchase readable copy of an endorsed receipt. There is no motivation to combine Cruse and Ballard, and Cruse is nonanalogous art.

Response: Cruse teaches a method and corresponding system of scanning data to allow customers to view their receipts. "The portion 600 may, at least in part, enable customers of the proprietor to view their orders, receipts, parts, and other data from the proprietor's web site. They are also able to update their scanned orders and

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receipts....p.5, 61). Therefore, the Examiner is interpreting Cruse in combination with Ballard as reading onto the invention substantially as claimed. Further, the Examiner is interpreting Cruse as being analogous art, and, consequently, finds motivation for combining the references.

Conclusion

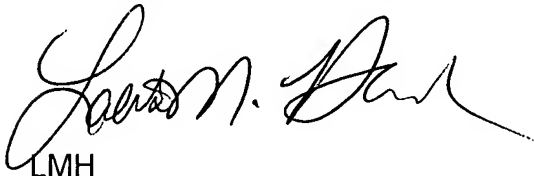
Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lalita M. Hamilton whose telephone number is (571) 272-6743. The examiner can normally be reached on Tuesday-Thursday (8:30-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "L. M. H.", with a stylized flourish extending to the right.

LMH
Primary Examiner, 3624